



Notice of meeting of

East Area Planning Sub-Committee

To: Councillors Moore (Chair), Hyman (Vice-Chair), Hall, D'Agorne, King, Greenwood, Smallwood, Vassie, M Waudby and B Watson

Date: Thursday, 13 July 2006

Time: 2.00 pm

Venue: Guildhall

AGENDA

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Exclusion of Press and Public**

To consider excluding the press and public from the meeting prior to consideration of the schedule attached to the report for Agenda Item 6 (Enforcement Cases - Update) on the grounds that it contains information classed as exempt under Paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or direction under any enactment.

- 3. Minutes** (Pages 2 - 11)
To approve and sign the minutes of the meeting held on 15 June 2006.
- 4. Public Participation**
At this point in the meeting members of the public who have registered their wish to speak regarding specific planning applications, other agenda items or matters within the remit of the Sub-Committee can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 12 July at 5.00pm.
- 5. Plans List**
To determine the following planning applications relating to the East Area.
- 5.1 St Oswald's C of E School, Fulford** (Pages 12 – 36)
(06/0784/FUL)
- 5.2 21 Lamel Street** (06/00869/OUT) (Pages 37 – 44)
- 5.3 37 Towthorpe Road, Haxby** (06/00583/FUL) (Pages 45 – 53)
- 5.4 45 Stone Riggs, Stockton on Forest** (Pages 54 - 58)
(06/01169/FUL)
- 6. Enforcement Cases Update** (Pages 59 - 130)
Members will consider a report which provides a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Sub-Committee.
- 7. Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552030
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

EAST AREA PLANNING SUB-COMMITTEE
13 July 2006

Index to plans list items

| SITE | OFFICER | ITEM | VISIT | WARD |
|--|----------------|-------------|--------------|-------------|
| St. Oswald's School, Fulford 06/00784/FUL | MJ | 5.1 | no | Fulford |
| 21 Lamel Street 06/00869/OUT | DC | 5.2 | yes | Hull Road |
| 37 Towthorpe Road, Haxby 06/00583/FUL | DH/RA | 5.3 | no | Haxby/Wigg. |
| 45 Stone Riggs, Stockton on Forest 06/01169/FUL | MJ | 5.4 | no | Strensall |

SITE VISITS. There is only 1 site visit and so Members are requested to meet officers on site at 21 Lamel Street, Hull Road, at 10.00am on Wednesday 12 July. An office pool car will be available to offer a lift to and from the site visit. Please email or telephone Roger Armistead (Tel: 551642) if you need a lift.

City of York Council

Committee Minutes

| | |
|-----------|---|
| MEETING | East Area Planning Sub-Committee |
| DATE | 15 June 2006 |
| PRESENT | Councillors Moore (Chair), Hyman (Vice-Chair), Cuthbertson, D'Agorne, King, Greenwood, Smallwood, Vassie, M Waudby and B Watson |
| APOLOGIES | Councillors Hall |

1. Inspection of Sites

The following sites were inspected before the meeting:

| Site | Attended by | Reason for Visit |
|--------------------------------|---|---|
| Newsham House, Holtby | Cllrs Greenwood, Hyman, Moore, Vassie and B Watson. | Requested by Members. |
| Dunnington Water Tower | Cllrs Greenwood, Hyman, Moore, Vassie and B Watson. | Requested by Local Member. |
| St Oswald's School, Fulford | Cllrs Greenwood, Hyman, Moore, Vassie and B Watson. | Retrospective Planning Application and following receipt of objections. |

2. Declarations of Interest

The Chair invited Members to declare any personal or prejudicial interest which they had in any of the business on the agenda.

Cllr Cuthbertson declared a personal non-prejudicial interest in Plans Items 5 c) and d) (Thornlea, 23 The Village, Wigginton) as an employee of Wigginton Parish Council.

3. Minutes

RESOLVED: That the minutes of the Sub-Committee held on 11 May 2006 be approved and signed by the Chair as a correct record.

4. Public Participation

It was noted that there were no registrations to speak under the public participation scheme.

5. Plans List

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

5a) Water Tower, Church Balk, Dunnington (06/0894/FUL)

Members considered a Full Application, submitted by Mr and Mrs T Briggs, for two storey pitched roof side extensions (revised scheme).

Representations in support were received from the applicants agent who indicated that the proposal was a small scale extension to an existing dwelling in the Green Belt. He indicated that he was using the guide in Green Belt Policy GB4 which stated that an extension of up to 25% in size of the original dwelling was acceptable.

Officers pointed out that the key issue was the starting point for the extension which Officers considered was the original water tower building, as did the Inspector when he dismissed an appeal in May 2005. In relation to the status of policies it was confirmed that Planning Policy Guidance Note 2 (Green Belts) took precedence over the draft Local Plan.

Members indicated that, following the site visit, they felt that there were special circumstances in this case with accommodation problems at the property. They felt that any approval would not set a precedent and that there would be no harm to the visual amenity of the area.

RESOLVED: That the Application be approved subject to the imposition of the following conditions and informative

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990.

2 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

3 The development hereby permitted shall be carried out only in accordance with the following plans:-

AP3/3/06

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the openness of the Greenbelt and the appearance of the dwelling. As such the proposal complies with policy GB1 and GB4 of the City of York Local Plan Deposit Draft.

5b) Newsham House, Main Street, Holtby (06/0452/FULM)

Members considered a Major Full Application (13 weeks), submitted by Chris England, for the change of use of agricultural buildings to workshop (B2 use)/Storage (B8 use) including external alterations (part retrospective).

Officer updated that the applicants agent had provided details of the crime prevention measures that were being considered for the site and that the Safer York Partnership welcomed the proposals and had no objections. It was reported that no additional comments had been received from the Parish Council.

Members commented that the parking provision proposed on the site appeared to far exceed the Highways requirements and questioned whether the number of spaces required could be conditioned. Concerns were also raised regarding possible workshop use of the site and the noise that could be generated.

RESOLVED: That the Application be approved subject to the conditions listed in the report, and with the following amended and additional conditions and informative:

1. Notwithstanding the plans submitted with the application, details of the proposed actual car parking provision for the development shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning consent, and implemented in accordance with these approved details within one month of the approval in writing by the Local Planning Authority. Thereafter such areas shall be

retained solely for such purposes. The details submitted shall be in accordance with the Council's maximum Car Parking Standards.

Reason: In the interests of highway safety.

2. Details of all machinery, plant and equipment to be installed in or located on the development hereby approved, that is audible at any noise sensitive location (i.e. bedroom, living room or outdoor amenity area), shall be submitted to the Local Planning Authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with prior written approval of the Local Planning Authority. The machinery, plant and equipment and any approved noise mitigation measures shall be fully implemented and operational before the associated use first is put into beneficial use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

INFORMATIVE

The applicant also be advised that the best practical means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times to minimise noise emissions. The work shall be carried out in such a manner so as to comply with BS 5228, Noise and Vibration Control on Construction and Open Sites. All plant and machinery shall be operated, sited and maintained to minimise disturbance. All reasonable measures shall be employed in order to control and minimise dust emissions. Any asbestos containing materials shall be removed by licenced contractors to a licensed disposal site. There shall be no bonfires on site. For any further advice on these issues please contact the Environmental Protection Unit on 01904 551570.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the effect on the York Green Belt, visual amenity, sustainable development, residential amenity and highways issues. As such the proposal complies with Central Government Guidance, in particular PPG2: Green Belts and PPS7: Sustainable Development in Rural Areas, Policies E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, GB1, GB3, GB11, GP1, GP4a, GP6 and T4 of the City of York Draft Local Plan.

5c) Thornlea, 23 The Village, Wigginton (06/00514/OUTM)

Members considered a Major Outline Application (13 weeks), submitted by McCarthy and Stone (Devs) Ltd, for the erection of 6 no. townhouses and 4 no. semi detached dwellings at 23-31 The Village (siting and means of access for consideration).

Officers updated that Highways were satisfied with the proposed access to the site which was the same as that indicated on the original scheme. They

also confirmed that the density of the development was 35 dwellings to the hectare. Reference was also made to the submission from Wigginton Parochial Church Council giving their observations on the proposal which had been circulated to Members.

Local Members expressed concern at the update from Highways as the proposed access was a bridleway which was too narrow to accommodate two way traffic and pedestrians.

Representations were received from the Chair of Governors of Wigginton Primary School, strongly objecting to the development mainly on access grounds.

Representations were received in objection from a neighbour on behalf of a number of local residents, relating to the 3 storey development being out of keeping and dominating the street scene, traffic use of Back Lane with dangers to pedestrians and removal of trees and loss of open space.

Representation were also received in objection from a representative of Wigginton Parish Council who confirmed that many of their points had already been raised but their main concerns related to the domination of the scheme on the street scene and concerns regarding the traffic issues.

RESOLVED: That the Application be refused.

REASON: 1. The proposal, by virtue of the scale, massing, bulk, overall height of the building, and access and layout of the site is considered to be out of character with, and detrimental to the appearance of The Village, and hence contrary to policies GP1, GP10 and H4a of the draft City of York Local Plan (incorporating the 4th set of changes), and the aims of PPS1 and PPS3.

2 Insufficient information has been submitted to show how the site will be properly drained so as not to overload Westfield Beck. This is contrary to the requirements Draft local plan policy GP15a (incorporating the 4th set of changes) and the aims of PPG25

3 In the absence of detailed plans showing how the access will be laid out and constructed it is considered that the access to the site can not accommodate the additional level of traffic proposed without detriment to the safety of pedestrians and other bridleway traffic and without detriment to the free flow of traffic. This is contrary to the aims of PPG13.

5d) Thornlea, 23 The Village, Wigginton (06/00516/OUTM)

Members considered a Major Outline Application (13 weeks), submitted by McCarthy and Stone (Devs) Ltd, for the erection of a two and three storey block of 15 no. apartments (siting and means of access for consideration).

Officers updated that Highways had previously indicated that the detail submitted was not adequate to approve the means of access but that following receipt of further details they were now satisfied with the proposed access to the site. They also confirmed that the density of the

development was 52 dwellings to the hectare. Reference was also made to the submission from Wigginton Parochial Church Council giving their observations on the proposal which had been circulated to Members.

Representations in objection were received from the Chair of Governors of Wigginton Primary School, a neighbour and a representative of Wigginton Parish Council who reiterated their concerns as for the previous application for this site.

RESOLVED: That the Application be refused.

REASON: 1 The proposal, by virtue of the absence of any offer of affordable housing, is contrary to the aims of PPG3 and Policy H2a of the Draft City of York Local Plan (incorporating the 4th set of changes).

2 The proposal, by virtue of the scale, massing, bulk, overall height of the building, and access and layout of the site is considered to be out of character with, and detrimental to the appearance of The Village, and hence contrary to Policies GP1, GP10 and H4a of the Draft City of York Local Plan (incorporating the 4th set of changes), and the aims of PPS1 and PPG3.

3 In the absence of plans showing how the access will be laid out and constructed it is considered that the access to the site can not accommodate the additional level of traffic proposed without detriment to the safety of pedestrians and other bridleway traffic and without detriment to the free flow of traffic. This is contrary to the aims of PPG3.

5e) Airfield Business Park, Elvington (06/0589/FULM)

Members considered a Major Full Application (13 weeks), submitted by Wm Birch and Sons Ltd, for the erection of 6 no. business units and associated servicing areas.

Officers updated that this application had been withdrawn by the applicant prior to the meeting.

5f) 21 The Copper Beeches, Dunnington (06/0698/FUL)

Members considered a Full Application, submitted by Mr and Mrs Flack, for a flat roof dormer to the rear and pitched roof to existing flat roof to rear extension (resubmission).

Representations were received in objection to the application from a neighbour whose dwelling backed onto the site, and who indicated that the scale and design of the extension was not in keeping with the property, that it would set a precedent, spoil the character of the area and affect the amenities of his property.

Representations in support were received from the applicant who confirmed that this resubmission reduced the size of the dormer and he felt that it met previous objections.

RESOLVED: That the Application be approved subject to the conditions listed in the report;

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to its impact on design and appearance in the street scene, impact on the design of the bungalow and impact on neighbours. As such the proposal complies with Policies H7 and GP1 of the City of York Local Plan Deposit Draft.

5g) 15 Murton Way, Osbaldwick (06/00010/FUL)

Members considered a Full Application, submitted by the Executors of Mrs L Cook, for the erection of 2 detached dwellings adjacent to 15 Murton Way, Osbaldwick.

Officers updated that the parking space on Plot 1 had been increased in size, that the property on Plot 2 had been handed and that the Holly tree was to be retained at the front of the site. It was also reported that Highways now had no objections to the proposal subject to a number of conditions.

RESOLVED: That the Application be approved subject to the conditions listed in the report;

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the Osbaldwick Conservation Area and the amenity of neighbours. As such the proposal complies with Policies GP1 and GP10 of the City of York Draft Local Plan.

5h) St Oswald's C of E Primary School, Fulford (06/0784/FUL)

Members considered a Full Application, submitted by Sewell Education for external and car park lighting.

Officers updated that part of this Private Finance Initiative (PFI) scheme was seeking retrospective planning permission for the lighting. It was reported that two additional letters of objection had been received from neighbours reiterating previous objections relating to concern regarding the bulk head lights which were on all night, there were too many lights and they felt that no light should escape from the premises. In answer to questions Officers confirmed that the floodlights were surrounded by streetlights and that they were directed rather than shrouded.

Representations were received in objection to the application from a neighbour who referred to the lights as excessive, wasteful and intrusive for immediate neighbours.

Representations were received in support of the application from the Architect for the scheme who confirmed that time clocks had been installed which turned the lights in the car park and bollards off at 10pm.

Members questioned the possibility of the caretaker being able to over ride the time clock when necessary or the possibility of removing a number of the bulkhead lights.

RESOLVED: That further consideration of this application be deferred to the next meeting of the Sub-Committee to allow the Officers to obtain further information from the electrical consultant regarding the lighting scheme for the site for incorporation into the report;

REASON: To gain additional information to assist Members in reducing the impact on the amenity of neighbouring residents and to give Members full knowledge of the scheme prior to making a decision.

5i) 26 Hopgrove Lane South, Stockton on Forest (06/0912/FUL)

At this Councillor Cuthbertson left the meeting.

Members considered a Full Application, submitted by Ashley Woods for the variation of condition 3 of planning permission 05/00452/FUL to extend the opening hours at 26 Hopgrove Lane.

Officers updated that further representations had been received from the Parish Council who objected to the proposed trading hours and possible traffic problems which could arise but they felt that there was room for compromise. Reference was also made to a letter of explanation received from the applicant, in support of the application which had been circulated to Members.

Representations were received in objection to the application from a neighbour who reported neighbours objections to the proposal and made reference to errors in the report relating to the owners accommodation on site and the comments of Environmental Protection. Objections were raised in relation to safety issues; the rural nature of the site, increased parking that would be required and late night opening.

Members referred to objections relating to use of the premises after the proposed 6pm closing times and possible use on Sundays by models for training purposes. Officers confirmed that enforcement action could be taken in such cases.

RESOLVED: That the Application be refused.

REASON: The proposal to extend the hours of opening to members of the public would detract from the amenities of the occupiers of residential properties, in this predominately residential area. This is considered to conflict with advice on protecting amenity in Policy GP1 Design of the City of York Draft Local Plan Incorporating the 4th Set of Changes (Approved April 2005) and in 'The Planning System: General Principles' document, published alongside PPS1: Delivering Sustainable Development”.

5j) 21 Lamel Street (06/00869/OUT)

Members considered an Outline Application, submitted by Mr C England, for the erection of 3 no. dwellings after demolition of extensions and garage of existing dwelling.

Officer updated that this application required deferment to the next meeting to allow further consultation to take place with residents on revised plans.

RESOLVED: That further consideration of this application be deferred to the July meeting of the Sub-Committee to allow consultation on revised plans to take place.

CLLR R MOORE, Chair

The meeting started at 2.00 pm and finished at 5.15 pm.

COMMITTEE REPORT

Team: East Area
Date: 13 July 2006

Ward: Fulford
Parish: Fulford Parish Council

Reference: 06/00784/FUL
Application at: St Oswalds C Of E Primary School Heslington Lane York YO10 4LX
For: External and car parking lighting
By: Sewell Education
Application Type: Full Application
Target Date: 22 June 2006

1.0 PROPOSAL

This application seeks retrospective planning permission for external lighting at St Oswalds Church of England Primary School which is off Heslington Lane in Fulford. The lights under consideration are four flood lights which are on each corner of the car park, a triple bulb lamp post style light on the turning island, lamp post style lighting on the western boundary of the school, and bulkhead lights attached to the school itself.

This application was deferred from June's East Area Planning Committee. The application was deferred pending further information regarding safety, security and the affect the external lighting has on the character of the area and the living conditions of local residents. Additional information has been submitted by the agent, this is attached to the back of this report.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

City Boundary York City Boundary 0001

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections. Condition Highway 37 should be attached to any permission.

Environmental Protection Unit - The environmental protection unit have concerns with this application, these focus around the loss of amenity to local residents through light. However, investigations have been unable to determine that a statutory nuisance exists.

The lighting does extend beyond the site boundary and project onto peoples property. Another factor to consider is that the vegetation around the school is now in leaf, thus restricting some light, in the winter months this leaf cover will not be present exposing properties especially down School Lane to more light.

Street Lighting - The proposed lights are satisfactory and do not create undue glare outside the premises.

Safer York Partnerships - No objections. Secured by Design guidance does not stipulate the number of lighting units or columns that might be required around a school only that any lighting fitted should be compliant with the above advice. It is considered that the current lighting fitted complies fully with Secured by Design advice. A reduction in lighting levels is not recommended.

External

Fulford Parish Council - Objections as detailed below:

- * The application is retrospective and the applicants should have waited until planning permission was granted before installing the lights.
- * The lights make the car park look like a football stadium. The council feels that the light pollution from these lights will dwarf the problem of bulkhead fittings. During winter months the glare or reflection of the lights on the parked cars will exasperate the situation.
- * The lights are not environmentally friendly as they use a lot of power. Also the lights have thrown the synchronization of the wildlife.
- * The school borders the Fulford Conservation Area.

Response to neighbour consultation letters and site notice (posted 16th May 2006) - Twelve pieces of correspondence received from local residents. The following points were raised:

- * Lighting an unused car park is a waste of energy, the cost of which is met by council taxpayers
- * The council needs to set the right example in the light of growing concerns over global warming.
- * Light pollution is a growing problem to which these lights add. The problem would be worse in the winter with longer nights and minimal screening from trees.
- * The lights should be turned off when the use of the car park and school have ceased.
- * Motion detected lights would be of greater benefit than permanent lights.
- * The lights should be turned off at night as they can be detrimental to a good nights sleep.
- * The glare of the lights has at times meant that it is not possible to see people using School Lane at night, this is a safety concern.
- * The school is on the edge of the Fulford Conservation Area and the lights harm this.
- * The area does not suffer from high crime levels and the lighting is excessive as a security measure in this case.
- * It would be preferable to look out into darkness rather than an illuminated school and car park.
- * The lights are excessive in both number and strength
- * The lights are detrimentally harming wildlife in the area.
- * The lights identified as 'emergency' lighting have been kept on all night recently. They should be switched off and only come on if there is an emergency.
- * There are more lights at the school than shown on the plans.
- * Some of the lights shine directly into bedroom windows.

* The school is already fitted with a tall metal security fence and metal shutters to the doorways and windows and therefore this level of lighting is excessive as a security measure.

4.0 APPRAISAL

4.1 Key Issue(s):

- * Visual amenity impacts on the street scene
- * Impact on the amenity of local residents

4.2 The Application Site - St Oswald's Church of England Primary School is on Heslington Lane in Fulford. The school is not within the Fulford Conservation Area but is on its boundary which runs down School Lane and Heslington Lane. The lighting has already been installed at the school and therefore this application is retrospective. The lights under consideration consist of; four flood lights within the car park and one three light structure on the turning roundabout; lamp post style lights on the western boundary of the school (adjacent to School Lane); and bulkhead style lights attached to the school itself.

4.3 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 GP1, part f) design outdoor lighting schemes which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems.

4.5 Visual amenity impacts on the street scene - Heslington Lane is well lit by street lighting. The lighting under consideration is for security purposes and can be switched off during the night, a condition can ensure this. It is considered that the lighting is not excessive given its position within the York built up urban area. It is acknowledged that some local residents would like a lower level lighting scheme, however this is considered to be a preference based on personal opinion. The lights when illuminated do not shine upwards towards the sky and they are not considered excessive in terms of number or illumination levels. During the night time only the bulkhead lights attached to the school would be illuminated, these are required for security purposes. The school is just outside the Fulford Conservation Area and it is considered that the proposal does not harm the character and appearance of this area.

4.6 Impact on the amenity of local residents - A number of objections have been received from residents of properties which border the school. An extensive number of neighbour consultation letters were sent and a site notice was posted. A large number of local residents have therefore chosen not to object to the application. The Environmental Protection Unit have carried out investigations into the lighting at the school and concluded that there was no statutory nuisance for local residents. The car park flood lights are directed down towards the car park. The bulkhead lights and lamp post style lights are further away from residential dwellings than the current street lights. There is a degree of light spillage out of the school grounds, however this is not considered to harm the amenity

which local residents could reasonably expect to enjoy. A condition could be imposed to ensure that the car park lights are turned off at a reasonable time to appease some residents concerns and limit any waste of resources. The bulkhead lights provide security for the school and are required throughout the night for this purpose.

4.7 Additional information has been submitted by the agent, this is attached to the end of this report. The additional information provides a greater level of detail in terms of the need for and affects of the lights which are installed at the school. A brief summary of the report is presented below:

- The lights are required for safety, security and insurance purposes.
- Without the lighting the school may not be able to keep its insurance policy.
- The school was awarded Secure by Design status. A reduction in lights would compromise this and the Police Architectural Liaison Officer would not advocate a reduction in lighting levels.
- The light fittings are environmentally friendly and accord with a number of government standards.
- The level of light spillage out of the school boundary is low.
- Time clocks have been installed on the lights at the school (except the bulkhead lights which are needed at night for security purposes). The lights will not be illuminated between 22:00 and 06:00 hours. Photocell sensors ensure that the lights do not come on unless it is sufficiently dark.

5.0 CONCLUSION

It is considered that the proposed lighting is acceptable in terms of neighbouring amenity and the impacts on the street scene.

6.0 RECOMMENDATION: Approve

- 1 HWAY37 Control of glare etc from lighting
- 2 The lights (excluding the bulkhead lights attached to the school) may not be illuminated between 22:00 and 06:00 hours.

Reason: In order to reduce impacts on the amenity of neighbouring residents and to reduce energy wastage

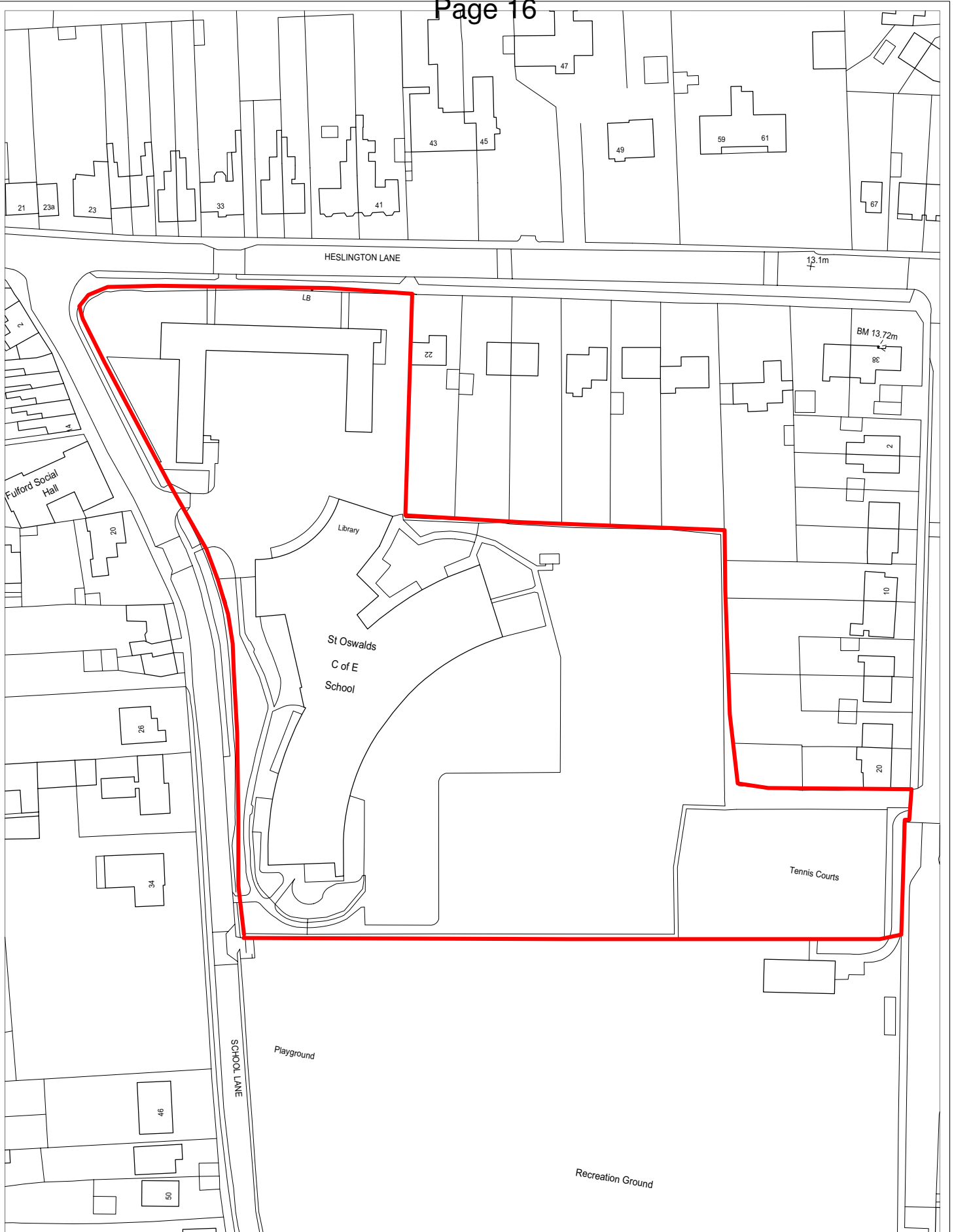
7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of neighbours. As such the proposal complies with Policy GP1 of the City of York Draft Local Plan.

Contact details:

Author: Michael Jones Development Control Officer
Tel No: 01904 551325



CITY OF
YORK
COUNCIL

ST. OSWALD'S SCHOOL, FULFORD 06/00784/FUL



SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 30/6/2006
Drawing No.

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

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City of York Council LA 1000 20818

ADDITIONAL PLANNING STATEMENT; 27/06/06

1160/02/LA/PL

ST OSWALD'S SCHOOL EXTERNAL LIGHTING

- The Electrical Consultant confirms that the lighting is designed in accordance with the D.F.E.S. Guide 4, "Security Lighting for Schools", the D.F.E.S. Building Bulletins 67, 78, 83 & 87, the Secured by Design Guidance 2004, and the CIBSE Regulations.
- The lights are required for safety, security and insurance reasons, and are to be environmentally friendly and control light pollution in compliance with the above guides.
- The light fittings selected are the most environmentally friendly available being high efficiency, low wattage and automatically controlled. The building bulkhead light fittings and the footpath lighting columns have the light bulbs shrouded to direct the light and control light spillage, and are low wattage high efficiency fittings.
- The school is designed to be environmentally friendly, with the energy consumption of the school below the Government's standards as set out in Building Bulletin 87 - "Guidelines for the Environmental Design in Schools" and Building Bulletin 83 - "Schools Environmental Assessment Method" (SEAM).
- We can confirm that time clocks have been installed on the car park and footpath lighting as discussed with the Planners and as a compromise with local residents, and that these time clocks are now fully operational turning these lights off at 10.00pm and bringing them back on at 6.00am. In addition these lights are also controlled by Photocells which measure the level of daylight and only allow the lights to turn on when it's dark.
- The lighting columns to the footpaths have the light bulbs shrouded to direct the light downwards and control light spillage, and the Car Park lights are directed downwards at the car park and are very directional light fittings.
- However, the bulkhead light fittings fixed to the school building are required for safety and security, and are therefore illuminated all night.
- The bulkhead light fittings are 28 watt compact fluorescent bulbs which provide a low level of illuminance. They have an opal diffuser to mask the light and are part shrouded to direct light downwards with a limited throw outwards. The 28 Watt bulbs and high frequency control gear were selected for energy conservation.
- The "Secured by Design" guidance requires a level of lighting which "illuminates all the elevations, recesses and openings of the building" so as to "deter and reveal potential intruders and reduce the fear of crime". The D.f.E.S. Guide 4 requires lighting sufficient to "deny intruders the cover of darkness by illuminating their access routes and target areas, thus making them visible to passers-by and neighbours".
- The lighting scheme installed is designed to comply with the above requirements and the above noted Government guidance documents.

- The lighting scheme has been designed the number of light fittings required to achieve an even level of lighting required for security and surveillance in compliance with the guides referred to above. Fewer fittings would create shadows and weaknesses in the security, and not comply with the above.
- It is not practical to use motion detectors with the type of light fitting installed because of the “warm up time” required by the bulbs. In addition, motion detectors are not recommended by the D.f.E.S. and cause greater nuisance by the constant on/off triggering caused by animals and trees, and do not comply with the above quoted requirements.
- We would also wish to point out that the old school (prior to its demolition) had sodium flood lights mounted on the roof of the buildings for security. These were not time switched or motion controlled.
- In long discussions with Paul Marks, the school’s head teacher, he has confirmed the many problems the school used to suffer with vandalism and theft, and even an act of arson, before that security lighting was erected.
- The new school has been awarded “Secured by Design” status in consultation with York Police, which requires this lighting for security in compliance with the afore noted guidance. The Police Architectural Liaison Officer states in his response to the Planners that he is opposed to a reduction in the lighting as this would compromise security and the school’s “Secured by Design” status.
- We would respectfully point out that the Council “self insures” in respect of its other schools and therefore bears the risk regarding arson, theft and vandalism. However, in the case of St. Oswald’s School the Council decided to go down the PFI procurement route and the private sector cannot “self insure”.
- The PFI contract requires that a commercial insurance policy be in place to cover the school and this insurance is based on the Secured by Design status and requires security lighting to be installed in accordance with the D.f.E.S. guidance.
- We believe that the school external lighting discourages the gathering of youths which leads to anti-social behaviour and petty crime, and this added security afforded by this lighting also benefits the local community and neighbouring residents.

Thompson Spencer Architects
27th June 2006

APPENDIX A

**POLICE ARCHITECTURAL LIAISON OFFICER'S
RESPONSE**

POLICE ARCHITECTURAL LIAISON OFFICER'S RESPONSE

Lighting (Extract from Secured by Design guide)

“A successful lighting scheme requires good but not oppressive levels of light that is evenly distributed, allows clear colour rendition and avoids light spillage. Well-positioned lighting deters and reveals potential intruders and reduces the fear of crime. Security lighting, such as metal halide units, shall be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes, car parks and other facilities. Other areas should use vandal resistant perimeter lighting, operated by photoelectric cells, which should illuminate all elevations and recesses of the building. All fittings shall be vandal resistant and positioned out of reach. The lighting design and layout shall support natural surveillance and the operation of CCTV and shall not be restricted by trees, shrubs or other landscaping features”.

In addition to the above,

DfES Guide 4 - Improving School Security states :-

“Security Lighting

External lighting is provided to:

- * Illuminate pathways and car parking areas to enable individuals to see and move safely around the school grounds after dark.
- * Deny intruders the cover of darkness by illuminating their access routes and target areas thus making them visible to passers-by and neighbours. This is security lighting.

To be successful, both types of lighting must be reliable and provide adequate levels of illumination. In addition those areas lit by security lighting must be under regular surveillance from one or more of the following:

- * Neighbouring property or passers-by.
- * CCTV, in which case infra-red (black or non visible light) can be used.
- * Security Patrols.

Like CCTV, lighting units are vulnerable to attack and security lighting is particularly prone to deliberate damage. All lighting units and associated wiring should be located and installed in such a manner as to reduce the risk of deliberate damage. If areas lit by security lighting are not protected by fences and under surveillance, there is every likelihood that they will become informal, floodlit play areas. The Department Bulletin 78 gives more details on security lighting”.

In Conclusion

Secured by Design guidance does not stipulate the number of lighting units or columns that might be required around a school only that any lighting fitted should be compliant with the above advice. It is my opinion that current lighting fitted complies fully with Secured by Design advice. I would not advocate a reduction in lighting levels. It is my belief that bulkhead lighting around the school buildings are all low power units.

APPENDIX B

ELECTRICAL CONSULTANTS' REPORT

ELECTRICAL CONSULTANTS REPORT

For the

EXTERNAL LIGHTING INSTALLATION

At

ST OSWALDS PRIMARY SCHOOL – YORK

The information below has been prepared by Wheatley M&E Services Limited on behalf of Sewell Construction. Wheatley M&E services were responsible for the design and installation of the Electrical & Mechanical service on the above project.

Former School

The former St Oswalds Primary School was located in the foot print of the now new school car parking area. The existing School was located parallel with the Fulford Road approximately set back from the road by 8 metres and adjacent to School Lane set back by approximately 10 metres.

The existing building was fitted with high level Sodium Flood lights around the perimeter of the main School building and modular remote buildings to the rear area. The number of luminaires was not recorded prior to its demolition, however after discussions with the head teacher, Mr Paul Marks, he has informed us that the lighting around the perimeter was poor.

Mr Paul Marks commented that the previous site was prone to vandalism, which resulted in costly repairs and on one occasion an act of arson was committed which resulted in a new modular building being required. In his view, if security lighting had been brighter at that time he feels that this would have deterred the acts of vandalism committed.

New School

The new School has now been moved back from Fulford Road by 50 metres and remains 10 metres from School Lane. It is noted that the building form does not resemble the previous school.

The new building was handed over to the end users in January 2006.

Lighting Design Standards

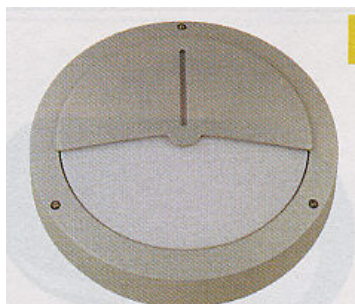
The external lighting scheme has been designed to comply with the following standards:-

- Department for Education and Science Building Bulletin 67 for Crime Prevention in Schools.
- Department for Education and Science Building Bulletin 78 for Security Lighting in Schools.
- The Chartered Institution of Building Services Engineers (CIBSE) Lighting Division Factfile No7 for Environmental Considerations for Exterior Lighting.
- The Chartered Institution of Building Services Engineers (CIBSE) Lighting Guide – The Outdoor Environment LG6:1996
- Secure by Design Schools Revision April 2004
- British Standard 5489-1: 2003, Revised.
- D.f.E.S. Building Bulletin 87 – Guidelines for the Environmental design in Schools
- D.f.E.S. Building Bulletin 83 – Schools Environmental Assessment Method (SEAM).
- D.f.E.S. Guide 4 – Improving School Security.

Building Mounted Lighting Scheme

The external building mounted luminaires are vandal resistant die cast aluminium fittings with ultraviolet stabilised opal white polycarbonate diffuser. The luminaires have High Frequency low loss control gear serving a 28 watt 2700k White 2D compact Fluorescent lamp, which has a colour rendering index of 82 group 1B. The lamps have an average life of 10,000 hours.

The luminaires selected have been fitted with an enclosed upper section to prevent upward lighting. (Refer to Picture below). A diffused light is produced by the Opal diffusers, which is directed outward and downward.



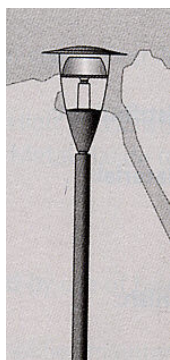
The luminaires have been mounted at a height of 2.4 metres above finished floor level around the whole perimeter of the building to meet the required illumination levels as stated within the documentation listed above and are evenly distributed to be visually in keeping with the new School. Spacing between luminaires is between 4 and 6 metres apart.

The building mounted luminaires are automatically controlled by the use of photo electric cells which switch the luminaires on/off on a dusk til dawn principle.

Foot Path Lighting Scheme

Column mounted luminaires have been utilised to illuminate the footpath leading from the main entrance gate to the rear Nursery entrance door which runs along side School Lane. The path follows the building outline which results in the columns being set back from School Lane by 3 metres to 10 metres.

The luminaires selected are 70 watt Metal Halide Cone shaped fittings fitted with canopy tops on 6 metre galvanised columns. A total of 6No luminaires have been installed around the path area. (Refer to Picture below)



The column mounted luminaires are automatically controlled by the use of a photo electric cell and 24 hour time clock. The time clock and photocell has been set up so that the time clock will switch on at 6am and go off at 10pm, 7 days a week. The photocell has been wired in series with the time clock so if there is adequate daylight the luminaires will not come on.

Currently the Nursery staff gain access into the building by the use of the footpath to the side of the building. The staff hours are from 7.30am to 7.30pm, however management staff hours are around 6am until 8pm and cleaning staff can be on site until 9.30pm.

As these footpaths provide means of escape in the case of fire and in order to provide a safe access route to the car parking area it is proposed to keep the time clock settings as currently installed, on at 6am off at 10pm.

Roundabout Lighting Scheme

One single lighting column has been installed in the centre of the round about located near to the main school entrance public drop off point. The luminaire selected is the same type as the footpath luminaires, however 3No lamp heads have been installed on a triple bracket.

This luminaire is automatically controlled by the use of a photo electric photocell and 24 hour time clock. The time clock and photocell have been set up so that the time clock will switch on at 6 am and go off at 10pm, 7 days a week. The photocell has been wired in series with the time clock so if there is adequate daylight the luminaire will not come on.

The School staff hours are from 8am to 5pm, however management staff hours are around 6am until 8pm. Also cleaning staff can be on site until 9.30pm.

Therefore in order to provide a safe access route to the car parking area it is proposed to keep the time clock settings as currently installed on at 6am off at 10pm.

Car park Lighting Scheme

4No single headed 250 watt HQ-I lighting columns have been installed to the corners of the car parking area.

Each Luminaire has been set to 20° above the horizontal plain at a 6 metre mounting height.

The luminaires are automatically controlled by the use of a photo electric cells and 24 hour time clock. The time clock and photocell has been set up so that the time clock will switch on at 6am and go off at 10pm 7 days a week. The photocell has been wired in series with the time clock so if there is adequate daylight the luminaire will not come on.

The School staff hours are from 8am to 5pm, however management staff commonly start about 6am until 8pm. Cleaning staff can be on site until 9.30pm.

Therefore in order to provide a safe access route to the car parking area it is proposed to keep the time clock settings as currently installed on at 6am off at 10pm.

Head Teachers Comments

Mr Paul Marks has reported to the electrical consultant that the existing site was prone to vandalism, which resulted in costly repairs and on one occasion an act of arson was committed. Additionally the school grounds have been used by drug users.

In his view if the security lighting had been brighter at that time he feels that this would have deterred the level of vandalism which was committed.

The new school was handed over to use in January 2006 and to this report date the school has not had any vandalism.

As part of the new School building a section has been provided to house the Fulford Public Library and is being used by all ages of the public. The demand is such that they are considering increasing the opening times to meet the demand.

The reason for this increased demand is partly due to the schools visual affect on the Fulford community, which in part is due to the safe working environment.

Mr Marks, all the teaching staff and pupils are very proud of the new school and welcome the Fulford community to take advantage of the new services which it can now offer, evening line dancing, computer training, public meetings etc.

York City Councils Requirements

Sewell Education has been employed by York City Council to provide a new school under a PFI project agreement and as such requires Sewell Education to insure the building.

As a privately owned company Sewell Education are unable to self insure, unlike the council which does self insure. As a result of this a commercial insurance company have been appointed and as part of the insurance requirements the building must be provided with security lighting that complies with D.f.E.S. guidance and the Secured by Design guidance.

The current scheme provided complies fully with the D.f.E.S. and Secured by Design requirements.

Police Liaison Officers

The following states/extracts have been provided by Mr Jim Shanks from the Police Community Safety/Architectural Liaison Officer.

Lighting (Extract from Secure by Design guide)

A successful lighting scheme requires good but not oppressive levels of light that is evenly distributed, allows clear colour rendition and avoids light spillage. Well-positioned lighting deters and reveals potential intruders and reduces the fear of crime. Security lighting, such as metal halide units, shall be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes, car parks and other facilities. Other areas should use vandal resistant perimeter lighting, operated by photoelectric cells, which should illuminate all elevations and recesses of the building. All fittings shall be vandal resistant and positioned out of reach. The lighting design and layout shall support natural surveillance and the operation of CCTV and shall not be restricted by trees, shrubs or other landscaping features".

DfEE Guide 4 - Improving School Security states :-

Security Lighting (Extract from DfEE Guide 4 – Improving School Security)

External lighting is provided to:

- * Illuminate pathways and car parking areas to enable individuals to see and move safely around the school grounds after dark.
- * Deny intruders the cover of darkness by illuminating their access routes and target areas thus making them visible to passers-by and neighbours. This is security lighting.

To be successful, both types of lighting must be reliable and provide adequate levels of illumination. In addition those areas lit by security lighting must be under regular surveillance from one or more of the following:

- * Neighbouring property or passers-by.
- * CCTV, in which case infra-red (black or non visible light) can be used.
- * Security Patrols.

Like CCTV, lighting units are vulnerable to attack and security lighting is particularly prone to deliberate damage. All lighting units and associated wiring should be located and installed in such a manner as to reduce the risk of deliberate damage. If areas lit by security lighting are not protected by fences and under surveillance, there is every likelihood that they will become informal, floodlit play areas. The Department Bulletin 78 gives more details on security lighting".

Conclusion (Statement)

Secured by Design guidance does not stipulate the number of lighting units or columns that might be required around a school only that any lighting fitted should be compliant

with the above advice. It is my opinion that current lighting fitted complies fully with Secured by Design advice. I would not advocate a reduction in lighting levels. It is my belief that bulkhead lighting around the school buildings are all low power units.

Highway Network Management (Comments)

No objections. Condition Highway 37 should be attached to any permission.

Environmental Protection Unit (Comments)

The environmental protection unit have concerns with this application, these focus around the loss of amenity to local residents through light.

Initial involvement in the St Oswalds C of E Primary School was through the investigation of statutory nuisance through complaints from residents.

Investigations have been unable to determine that a statutory nuisance exists.

Safer York Partnerships (Comments)

The school was given a secure by Design Award, the lighting was one of the factors which contributed to this.

No objections.

Street Lighting (Comments)

The proposed lights are satisfactory and do not create undue glare outside the premises.

Lighting Design Calculations

As part of the Electrical Design, Wheatley M&E Services have provided illumination plots for the external perimeter luminaires based on the actual installation.

Refer to lighting plots enclosed.

The information provided shows that an average lighting level of 5 Lux at 2 metres away from the building.

Actual Recorded Lighting Levels

External lighting design software programmes give average lighting levels based on measurements taken at set points across a grid type layout.

This type of system is not suitable for measuring around the perimeter of the site to assess what actual lux levels are being provided that may be affecting the adjacent buildings.

There are no set ways of measuring the external lighting levels, however as a common rule is for measurements to be taken around the perimeter of the site at set points spaced at equal distances.

As concerns have been raised by adjacent properties on School Lane and Fulford road Wheatley M&E services visited the site and found that the building mounted luminaires have no affect on the adjacent properties.

Objections (As listed in the Committee Report Agenda 4h)

Detailed below are the objections raised and comments by the Electrical Design consultant, Wheatley M&E Services Limited.

1. (Obj) Fulford Parish Council:-

- i. The application is retrospective and the applicants should have waited until planning permission was granted before installing the lights.

(Wheatley) It is agreed that the luminaires should not have been installed before the application was approved, however at the time of installation we were unaware that the application for the whole building did not detail the external lighting. As a result of this a separate application has now been submitted.

- ii The lights make the car park look like a football stadium. The council feels that the light pollution from these lights will dwarf the problem of the bulkhead fittings. During winter months the glare or reflection of the lights on the parked cars will exasperate the situation.

(Wheatley) We do not feel that the car parking area looks like a football stadium, this comment is a personal view and subjective, therefore should not be addressed.

The column mounted luminaires will now be switched off at the times detailed previously, therefore should not have any affect on the reported dwarfing of the bulkhead luminaires.

- iii The lights are not environmentally friendly as they use

a lot of power. Also the lights have thrown the synchronisation of the wildlife.

(Wheatley) The column mounted luminaires are high output luminaires and are angled down to only throw illumination to the areas required.

The building mounted luminaires are one of the most environmentally friendly fittings available, using high frequency control and low wattage lamps.

The affect on wildlife should not be affected by the luminaires and it is more probable that wildlife will be drawn to the site due to the new plantation which has been formed.

iii The school borders the Fulford Conservation area.

(Wheatley) The school does not border the Fulford conversation area.

2. (Obj) Neighbour consultation letter:-

- i. Lighting an unused car park is a waste of energy, the cost of which is met by council tax payers.

(Wheatley) It has been agreed that the car park luminaires will be switched off at the times stated. The switching off is by automatic means and are preset to common working hours. It is not recommended that control of external lighting is by manual means.

3. (Obj) Neighbour consultation letter:-

- i. The council needs to set the right example in the light of growing concerns over global warming.

(Wheatley) The Schools electrical & mechanical design and installation is below the recommended levels stated within Building Bulletin 87 – Guidelines for the Environmental design in Schools and Building Bulletin 83 – Schools Environmental Assessment Method (SEAM).

4. (Obj) Neighbour consultation letter:-

- i. Light pollution is a growing problem to which these lights add. The problem would be worse in the winter with longer nights and minimal screening from trees.

(Wheatley) The luminaires installed have been designed and installed so that they do not give any upward illumination so do not give off any light pollution. This is supported by the environmental protection unit comments noted above.

5. (Obj) Neighbour consultation letter:-

- i. The lights should be turned off when the use of the car park and school have ceased.

(Wheatley) It has been confirmed that the column mounted luminaires will be turned off at the times stated, however the building luminaires must remain on to comply with the design standards as listed previously.

6. (Obj) Neighbour consultation letter:-

- i. Motion detection lights would be of greater benefit than permanent lights.

(Wheatley) Motion detection units are not recommended by the DfEE as the luminaires used with motion detection system are not environmentally friendly and cause more problem to adjacent properties due to the constant on/off triggered by natural movement of wildlife and surrounding trees.

7. (Obj) Neighbour consultation letter:-

- i. The lights should be turned off at night as they can be detrimental to a good nights sleep.

(Wheatley) The car park luminaires are to be switched off at the times stated. The building mounted luminaires do not have any affect on the adjacent properties. Refer to the environmental protection unit comments noted above.

8. (Obj) Neighbour consultation letter:-

- i. The glare of the lights has at times meant that it is not possible to see people using School lane at night, this is a safety concern.

(Wheatley) The car park luminaires are to be switched off at the times stated. The building mounted luminaires do not have any affect on School Lane. Refer to the Highway Network Management comments.

9. (Obj) Neighbour consultation letter:-

- i. The area does not suffer from high crime levels and the lighting is excessive as a security measure in this case.

(Wheatley) The design and installation has been completed as required by the standards listed previously and are not excessive. Refer to Police Liaison Officers comments below (Conclusion).

10. (Obj) Neighbour consultation letter:-

- i. It would be preferable to look out into darkness rather than an illuminated school and car park.

(Wheatley) Illumination has been provided as a security measure and is required.

11. (Obj) Neighbour consultation letter:-

- i. The lights are excessive in both number and strength.

(Wheatley) The design and installation has been completed as required by the standards listed previously and are not excessive in number or strength.

12. (Obj) Neighbour consultation letter:-

- i. The identified emergency lighting have been kept on all night recently. They should be switched off and only come on if there is an emergency.

(Wheatley) The luminaires noted as emergency are design to be used as part of the external lighting scheme and or working correctly. The units marked as emergency are also provided with inbuilt batteries. If the emergency unit was not fitted inside the external luminaire

additional separate emergency luminaires would be required above all exit doors.

13. (Obj) Neighbour consultation letter:-

- i. Some of the lights shine directly into bedroom windows.

(Wheatley) The building mounted luminaires fitted can not possibly shine into a first floor bedroom window due to the mounting height of the luminaires and the design of the actual eyelid type fitting.

Conclusion by Wheatley M&E Services Limited

- The external lighting scheme complies fully with the government guide lines.
- The adjacent properties are not affected by light pollution due to the installed luminaires.
- The Police Liaison Officers finds the scheme satisfactory and does not want any reduction in the illumination levels.
- The High Network Agency have no objections to the scheme.
- The Environmental Protection Management have been unable to determine that any statutory nuisance exists.
- Safer York Partnerships have no objections to the scheme.
- Street Lighting Department have stated that the scheme is satisfactory and does not create undue glare outside the premises.

APPENDIX C

INSURANCE BROKER'S LETTER



ESTABLISHED 1892

T.D. CHADWICK ACII
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Insurance Brokers & Independent Financial Advisers

Mr G B Atkins
Sewell Education (York) Ltd
Geneva Way
Leads Road
Hull
HU7 0DG

Date 26th June 2006

Your Ref

Our Ref AR

Dear Graham

Zurich Policy No. 7033896

Following our earlier telephone conversation, may I firstly confirm that we have referred the St Oswalds lighting issue to insurers and they are presently reviewing their position.

It is reasonable to assume that as the risk was presented to them inter alia as "Secure by Design" and that any reduction in lighting may prejudice such status, then they may well wish to amend their terms.

At best, this could involve the imposition of a higher policy excess but at worst this could lead to a withdrawal of cover or part thereof.

Whilst writing, may I also remind you that the insurance market for schools is extremely limited and withdrawal by Zurich could leave us without an alternative insurance provider.

I will contact you again immediately I hear further from their Underwriter.

Yours sincerely,

Alan Rowe ACII

2.2 Policies:

3.0 CONSULTATIONS

Internal

Highways

Comments on amended scheme

The proposal is to demolish an existing garage and construct 3 dwellings. The existing property and one of the new dwellings are to be provided with 1 off street car space each in the form of a garage. Access is to be gained via new dropped vehicular crossings from Lamel Street which are to be formed under Section 184 of the 1980 Highways Act. In terms of traffic generation the proposal is considered to have a negligible impact and will not be to the detriment of the surrounding highway network.

Two of the proposed dwellings are not being provided with any off street parking. The dwellings are 1 bed roomed and therefore there is a total theoretical maximum requirement for 2 spaces. Lamel Street is unrestricted and forms a cul de sac due to a break in the carriageway. Officers consider that the displacement of these 2 spaces onto the highway can be accommodated without being to the detriment of free flow of traffic nor highway safety. The site is considered to be in a sustainable location and is served by a number of frequent bus services linking the site to the city centre.

On this basis officers raise no objections. Two highway conditions to cover the detail of cycle parking and ensuring no protruding garage doors and an informative about S184 vehicle crossing are proposed.

Leisure

An off site contribution is required towards children's equipped play area for the detached house and for the whole development for outdoor sports provision. The money is to be spent on local provision at Hull Road park and on identified east zone priorities

Environmental Protection Unit

The contaminated land officer believes that there is potential for contamination of the land. A five point contaminated land condition is proposed

External

Hull Road Planning Panel

Comments on original scheme

The panel consider that number 17 and 19 on the drawings represent an overdevelopment of the plot leaving no external amenity space at ground floor level.

It is thought that numbers 17 and 19 with the proposed balcony amenity would overlook into the apartments presently being built behind the new Somerfield store

The panel are not in favour of waste bins left in porches at the front of the properties.

To overcome the overdevelopment created by numbers 17 and 19 the panel suggests that a redesign based on the design of 21A would then provide garden amenity space.

Comments on amended scheme

Still of the opinion that 17 - 19 represent an overdevelopment on the north end of the scheme, thereby objecting to the revised scheme.

The panel appreciate that garden space has been provided at a cost of parking space in an area which is already oversubscribed with overnight on road parking.

It is possible that the rear window of the proposed dwellings may be within the 21 metres of the windows of the apartments being built on the site behind. SPG March 2001 para 1.34 refers

Neighbours

1 letter of objection has been received covering the following points:-

- most of the street already has students as far as the objector is aware there are only 4 family homes
- There will be an increase in traffic around the street
- there is a real problem with rubbish of which York pride are aware, landlords don't care it is the residents who have to live with it
- if the property get planning permission there could be 15 students living there, more like a hostel we may as well be living on campus
- the site should be visited at 6:50 am to 8:30 to see the vehicles that have to be put up with
- the objector thinks that there is over-development in the Thief Lane area
- put residents first and reject the application

4.0 APPRAISAL

The key issues are considered to be

- sustainability and the sequential test
- design consideration
- amenity open space
- Highways

Sustainability and the Sequential test

Central government advice regarding new housing is contained within planning policy guidance note 3 Housing. policy H4a and H5, are also relevant.

The key aim of local and national policy is to locate new housing on Brownfield land in sustainable locations. PPG3 sets out a sequential test which favours the re-use of previously-developed land within urban areas, then urban extensions and finally new development around nodes in good public transport corridors. paragraph 31 of PPG3 sets out criteria for assessing proposals for housing development in accordance with the principles of sustainable development. Policy H4a indicates that planning permission will be granted for proposals for residential development within the urban area subject to a series of criteria being met. These include where it involves infilling, where it has good accessibility to jobs and services, where it is of an appropriate scale and density to surrounding development and where it would not have a detrimental impact on existing landscape features. Policy H5 seeks to ensure that in urban areas a density of 40 dwelling to the hectare is achieved provided that this is compatible with the surrounding character.

Lamel Street is an area, which in Officers opinion fulfils all the criteria within PPG3 for achieving sustainable locations for development, in principle fits the criteria set out in policy H4a and more than meets the density requirement in policy H5 without impinging on the character of the area which is a mix of development types including terraced, semi and detached houses and garage blocks. To the rear of the site is new build flats.

Design considerations

The main source of guidance on the design of development is in PPS1. The thrust of guidance on design within PPS1 is that good design ensures attractive and usable, durable and adaptable places and is a key element in achieving sustainable development, good

design is indivisible from good planning. Policy GP1 sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to respect or enhance the local environment and to ensure that development is of a density, layout, scale, mass and design compatible with neighbouring building spaces. The policy also indicates that development will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy GP10 deals with the subdivision of gardens and infill development and says that planning permission will only be granted for such development where it would not be detrimental to the character and amenity of the local environment.

In officers opinion the amended scheme provides for a mix of house types designed to be in keeping with adjacent properties. The development can be achieved without impacting on the amenity of adjacent residents. The proposal is considered to be acceptable from a design perspective.

Amenity open space

Policy L1c of the draft local plan requires that all proposal for housing will be required to provide amenity open space, for those developments of less than 10 dwellings the amenity open space requirement can be satisfied by the payment of a commuted sum. The leisure section have indicated that children and sport payments will be required for the two bedroomed dwelling but that sports contribution only is required for the one bedroomed units. The payment of the commuted sum can be achieved through the use of conditions.

Highways Network Management

The highways section are satisfied that despite no car parking being provided within the site for the two smaller units this will not be detrimental to the highway network and that the proposal can be supported.

5.0 CONCLUSION

The scheme which has been amended since first submission so that the two smaller units have improved amenity space, internal layout , on site cycle and bin storage and relationship to adjacent sites is considered to comply with the requirements of guidance set out in PPS1 and PPG3 and with the aims of policies H4a, H5,GP1 and GP10 of the deposit draft local plan.

The highways network management team are not objecting to the proposals and the provision of amenity space required by Policy L1c can be achieved through a condition requiring a commuted sum.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve with Conditions

- 1 OUT1 Approval of Reserved Matters
- 2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: landscaping of the proposed development to be carried out, including a schedule of all facing materials to be used.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

3 VISQ8 Samples of exterior materials to be app

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Development Order 1995), (or any Order revoking or re-enacting that Order), development of the type described in Class A and E of Schedule 2 Part 1 of that Order shall not be carried out without the prior written permission of the Local Planning Authority following receipt of a planning application in that respect.

Reason: In the interests of residential and visual amenity

5 HWAY18 Cycle parking details to be agreed

6 HWAY30 Non-protruding garage doors

7 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter be provided in accordance with the approved scheme or the alternative arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the City of York Draft Local Plan Incorporating the Fourth Set of Changes - Development Control Local Plan (Approved April 2005).

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £809. No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

8 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented

prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 9 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

| | |
|---|----------------|
| Monday to Friday | 08.00 to 18.00 |
| Saturday | 09.00 to 13.00 |
| Not at all on Sundays and Bank Holidays | |

Reason: To protect the amenity of the local residents.

- 10 Prior to the commencement of the development a detail at 1:20 showing the wall and railings detail to the Lamel street frontage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved detail shall be implemented to the satisfaction of the Local Planning Authority before 17 and 19 Lamel Street are occupied.

Reason: In the interests of visual amenity

- 11 Prior to the commencement of the development details of all the hard surfacing material proposed to the front of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter this detail shall be implemented to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings.

Reason:
In the interests of visual amenity

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to siting, design, impact on adjacent residents and highways. As such the proposal complies with Policies H4a, H5 GP1 and GP10 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Diane Cragg, Development Control Officer (Mon/Tues)
Tel No: 01904 551657



CITY OF
YORK
COUNCIL

21 LAMEL STREET 06/00869/OUT

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 30/6/2006
Drawing No.



CYSP6
Location strategy

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYGP1
Design

CYGP4A
Sustainability

CYGP10
Subdivision of gardens and infill devt

CGP15A
Development and Flood Risk

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

CYL1C
Provision of New Open Space in Development

CYED4
Developer contributions towards Educational facilities

3.0 CONSULTATIONS

3.1 Internal

Highways Network Management - No objection, subject to amended plans submitted showing a refuse storage area within 23m of New Forge Court. On submission of plan showing this, raise no objection subject to conditions. State that the junction of New Forge Court and Towthorpe Road is suitable to deal with small increase in traffic, estimated to be three vehicle trips in the peak hours, that would be unlikely to have any material effect on the local highway network. Visibility at the New Forge Court and Towthorpe Road is within recommended guidelines. Car and cycle parking and on site turning are provided in accordance with standards.

Urban Design Group (Landscape Architect)- On the original submission raised concerns that application provided inadequate tree information, and would have resulted on the significant loss of vegetation which could have altered the character of the site. Recommended more tree retention, a proper tree survey and replacement tree planting

On submission of tree survey and amended plans, state this retain a few more trees, but not the silver birches, which is disappointing, though this itself is not sufficient reason to refuse, as there are of limited amenity value and not rare/long lived species. Adequate replacement

tree planting should be proposed, and it is disappointing this has not been provided. This can be acquired through condition and would be expected to consist of six heavy standard trees within front gardens, variety of specimen shrubs/small trees, and cover planting between the shared drive and the front boundaries. Foundations will need to be designed to accord with ground conditions and tree species.

(Ecologist)- On the original submission raised concerns on the loss of one of the few open areas within Haxby, and potential impact on sparrowhawks on site, that may require greater retention of trees and hedges.

Comments awaited on the ecology report and amended plans submitted. These will be reported to Committee.

Structures and Drainage - On the original submission, required further flood risk/surface water drainage information to be submitted. On submission of this information, states the site will not suffer from river flooding, however the Flood Risk Assessment (FRA) does not cover revised surface water drainage and is therefore invalid. The development should not allow for land to be raised, to prevent run off, and the land is known to have waterlogging problems. Consent to connect to the existing Old Coppice system should be obtained from users and the Foss Internal Drainage Board. The existing problems has had problems with maintenance in the past, and it is believed the Windmill Way culvert has no spare capacity. The development appears to generate 2l/s new flow without compensatory storage from existing development, and therefore object.

Education - A contribution of £11,621 is required in respect of one extra pupil at Joseph Rowntree Secondary School. No contributions required for foundation and primary school.

Leisure - As there is no on site public open space commuted sums should be used to provide amenity open space, play space and sports pitches (in the North Zone of the Sport and Active Leisure Strategy).

Environmental Protection - No objection subject to conditions to report any detected contamination and hours of construction.

3.2 External

Town Council- Object on the ground it is backland development, and support objections from neighbours. Note the removal of trees and would like to see any decision subject to the approval of the Council's Tree Officer. Also cite other examples of backland development in Haxby the Council has approved.

Any further representation on the amended plans/further information submitted with the application will be reported to Committee.

Foss Internal Drainage Board- On the original submission, required further flood risk/surface water drainage information to be submitted. On submission of this information state that whilst a number of issues have been addressed, a number are outstanding. It is not known how or where current properties are served in relation to surface water disposal, and the site may have no current outfall. The proposal may resolve some of these issues. However any increase in discharge to Windmill Way culvert would not be accepted. There has been a problem with waterlogging on the site when adjacent land levels were raised. It is recommended this is considered during the design process, and this should be confirmed. Notification of any land drainage pipes constructed and how this influence storage facilities and watercourses that will receive the discharge.

The revised FRA does not cover the means cover the proposed method of surface water discharge. It states it will be discharged into the Forge Court sewer, not the Old Coppice system, and this may invalidate the whole assessment as it does not consider discharge into Windmill Way culvert. Query whether the land owner's permission has been sought to connect the system to the Old Coppice. The drainage calculations suggest a 25% increase into Windmill Way culvert that is unacceptable unless it can be proved this has negligible effect (this is not considered with the FRA). The site sections are interesting, though nothing is suggested to deal with waterlogging in low points. Unfortunately, there are still a number of questions that need addressing.

Yorkshire Water- If permission is granted recommend conditions for separate foul/surface water systems, the submission of full drainage details and no surface water discharge until completion of drainage works.

Observations: development of the site should take place with separate foul and surface water systems. Foul water may discharge to a foul sewer in New Forge Court, not to exceed 6l/s. The surface water sewer does not the capacity to accept unrestricted discharge, and the relevant drainage consultees should be contacted to establish a suitable watercourse. Surface water may discharge to the surface water sewer in New Forge Court, though on site storage may be required and discharge not to exceed 2l/s. If the sewage will not drain by gravity, then a pumping station may be required. The developer may also have to take precautions to prevent risk of flooding from surcharge of the sewer, if levels are lower than the point of connection. Land drainage must not discharge into the public sewer. The submitted drainage details are not acceptable as the proposed foul water pumping station peak output at the design head is not shown, nor proposed foul water drainage connections.

Public Consultation- Six letters of objection/concerns on the following grounds

- The raising of levels may worsen existing drainage problems. Reference is made to the report by the Local Government ombudsmen who found maladministration by the Council had caused injustice to a resident who has been awarded compensation.
- Height of proposed dwellings and proximity to adjacent properties on New Forge Close, The Old Coppice and Folks Close, resulting in overlooking of adjacent properties and their gardens, and loss of light the Old Coppice and overshadowing
- Boundary fences should be erected identical to neighbouring properties to protect privacy
- Loss of trees of amenity value and impact on birds
- Trees on adjacent properties would shade the proposed houses.
- Driveway alterations resulting from the new access could be dangerous

One further letter to amended plans from an objector re-iterating concerns over the height and proximity of a dwelling to an adjacent property adjacent New Forge Close, requesting hipping and no raising of ground levels and reiterating drainage/waterlogging concerns.

4.0 APPRAISAL

4.1 PPG3: Housing requires Authorities to provide sufficient housing land in a sustainable manner and widen housing opportunities and choice. It advocates the use of previously developed land, and a sequential approach to housing which requires development to be assessed against the availability of previously developed land, location and accessibility, the capacity of exiting infrastructure to absorb development, ability to build communities and environmental and physical constraints. Regional Spatial Strategy for Yorkshire and the Humber Policy H2 reiterates the sequential approach. North Yorkshire adopted Structure Plan housing policies provide related advice.

4.2 PPS1: Delivering Sustainable Development promotes in part good design and the consideration of amenity issues. PPG25: Development and Flood risk identifies flooding as a

material planning consideration, including surface water and land drainage issues, and identifies that the information provided should be sufficient to enable the Authority and its consultees to properly assess this issue.

Principle/Sustainability:

4.3 The proposed development is located within the development limits of Haxby. The site comprises under used parts of rear gardens and curtilages of the surrounding rear properties and thus in PPG3 terms would constitute previously developed land. The site area, by taking land to the south up to the boundaries with adjacent properties, has removed landlocking as an issue.

4.4 The site has reasonably good access to a range of facilities and services, and is accessible via public transport and for pedestrians and cyclists, in terms of sustainable use of transport. In terms of impact on local services, there is a requirement to provide a commuted sum of £11,621 for one secondary school place at Joseph Rowntree Secondary School, in accordance with the 'Developer Contributions to Education Facilities' Supplementary Planning Guidance.

4.5 The development of five dwellings is below advice in Draft Local Plan policy L1c in relation to the provision of on site open space. Thus open space would be provided through an off site commuted sum for £8, 804 for children's play space, amenity space and sports pitch provision. The applicant is agreeable to the commuted sums.

Open Space and Trees:

4.6 The site is not shown as open space on the Draft Local Plan Proposals Map and nor is it protected by open space policies, and as stated above, constitutes previously developed land. There is no public access to the site, but rather it is well enclosed by adjacent properties and, beyond some of the gardens of the adjacent properties, it is only publicly viewable to an extent from the end of New Forge Court, over the curtilages these properties.

4.7 There are nevertheless trees on the site, and the applicant was asked to provide a trees survey. The trees are of some limited public amenity value because of their location to the rear of properties, and in varying states of health and maturity. They mainly would be removed to make way for the development, including the leylandii and silver birches which currently separate the two parts of the site, though the amended plans does retain greater planting around the site. None of the trees on the site are protected or worthy of protection, though as do add some character overall to the site, it would reasonable for details to be provide as part of any conditioning of landscaping to include significant replacement tree planting to be provided. With this, the development is considered acceptable in relation to trees and open space.

4.8 The layout of the development would effectively be as an extension of New Forge Court, with properties sited on the either side of the shared drive. A slightly unusual post and rail arrangement is proposed in the front curtilage of the plots, set back slightly from the widened shared drive, but this itself doesn't raise substantive planning issues. The use of detached dwellings would be also be in keeping with the location.

4.9 The development is of low density at 18 to the hectare which is well below PPG3 and Draft Local Plan recommended minimum density levels at 30 and 40 to the hectare, respectively. However policy guidance also identifies that density needs to be countered against issues of character and form, and the proposed density would by and large accord with local densities in the area. The four dwellings in the north part of the site would accord with local densities on New Forge Court and Towthorpe Road. The single dwelling in the south part of the site would be of lower density, but this reflects the location of this portion of land and in particular the proximity to the bungalow at no1. The Old Coppice to the south,

whose rear elevation lies 1-3m from the boundary of the site. The low density of the development also helps provide opportunities for replacement tree planting.

Ecology:

4.10 An ecological report by a suitably qualified expert was submitted in view of sparrowhawk issues been raised on the site. The report states that it found some evidence of woodpigeon and goldcrest nests in use on the site, though at the time of the site visit by the ecology consultant no sparrowhawk nests were found. The report also comments that there is little evidence of sparrowhawks returning to former sites, and they do not generally nest close to houses. It does recommend tree felling should be avoided during the breeding season (April-August). It also reports that no signs of other protected species were found on the site, and that the site cannot be considered to have interest of recognised local importance. The Council's Ecologists comments on the ecological report are awaited.

Highways:

4.11 The development would be accessed by way of a shared drive arrangement. The use of New Forge Court, which leads onto Towthorpe Road, and the addition of five dwellings is considered acceptable in terms of traffic generation and highways safety issues. The development would provide commensurate levels of off street car parking and secure cycle storage.

Residential Amenity:

4.12 The development is spacious and would provide a reasonable level of amenity for future residents. The new dwellings would be sited well away from the dwellings on Towthorpe Road, and rather the greater impact would be on the adjoining properties on New Forge Court and The Old Coppice. The access into the site benefits from a significant gap between the dwellings nos. 21 and 24 New Forge Court, and would still leave commensurate front garden areas for these properties. The applicant also does have ownership of this land. Levels do gradually slope down to the application site from New Forge Court and down to the Old Coppice on the opposite side of the site.

4.13 No. 21 New Forge Court would be side elevation to side elevation with the proposed adjacent ('plot 1'). Close board fencing on the boundary would adequate screening at ground floor level. 'Plot 1' would also be set in from the boundary and because of the ground levels, its height would be lower than no. 21.

4.14 No.24 New Forge Court is a bungalow with rear conservatory, and its rear garden would back onto a plot for a proposed two storey house ('plot 5'), with the side elevation of the house on 'plot 5' 14m from the rear elevation of no. 24. Plot 5 would be due south, and thus there could be impact on light and aspect. The amended plans have reduced the height on this plot by 0.75m to ameliorate this, as would the lower land levels. Plot 5 would be 1.1m lower in levels than no. 24. No. 24's conservatory is on the opposite part of the rear elevation and would face towards rear garden of 'plot 5'. Taking account of the amendment in height made, the effect on no. 24's amenities is considered acceptable.

4.15 At the opposite end of the site, the rear elevation of the bungalow at no.1 The Old Coppice is close to the boundary of the site and would face towards the side of a large dwelling proposed on 'plot 3'. Levels under this proposed dwelling would also be 0.5m higher. However the distance between the two would be 12-13m, and the plot 3 is to the north, so there would no significant light loss. The double garage for plot 3 is at eaves level nearest no. 1, with the roof further hipping away. A line of cut back conifers would be maintained between plot 3 and the gable end of no. 2 Old Coppice to the north, with the nearest other proposed dwelling to no. 2 also sited an acceptable distance away.

Drainage

4.16 Proposed surface water drainage as shown on the revised drainage details and FRA shows a storage tank to be provided under plot 3 that would drain into Windmill Way culvert which is found at the end of the Old Coppice, approximately 40m away. The rate of discharge from the storage tank would be limited to 2 litres per second. The view of the Foss Internal Drainage Board however is that Windmill way Culvert is already at capacity and unless it can be satisfactorily demonstrated, otherwise the Board would not accept any increase in discharge as it has caused localised surface water drainage issues in the past. They also highlight the drainage calculations provided show a significant increase in maximum discharge.

4.17 No information has been submitted in relation to the existing surface water drainage arrangements for the site, though as the application site is just all gardens it is suspected there is no current surface water discharge system within the site. Therefore the surface water discharge would be additional new flow, rather than a substitute for an existing discharge. In the absence that it has been demonstrated Windmill Way culvert can adequately take the additional surface water discharge, there is potential for surface water and flood risk problems.

4.18 The levels changes on the site relating to the impermeable areas (e.g. dwellings, driveways, patio areas) would be drained into the surface water system. The topographical and site sections submitted do also show there would be some changes to land levels in the remaining permeable areas, with use of retaining walls on plot 3 nearest properties on the Old Coppice. The site is known to have land drainage problems, and run off from ground levels changes on the adjacent Old Coppice development has caused waterlogging and flooding of the garden to no. 37 Towthorpe Road, part of which falls within the application site. An ombudsmen investigation upheld a complaint against the Council in this respect. Whilst this development could potentially be an opportunity to sort land drainage problems on the site, no information has been submitted that would indicate this has been taken account of in the design, and that the levels changes would not result in ponding at low points, waterlogging and run off to adjacent properties.

4.19 In terms of surface water and land drainage, given the very particular problems there are on the site and in the immediate vicinity with these issues, it has not been demonstrated the development would deal with these issues. This conflicts with PPG25 advice on the adequacy of information and potential for localised flood risk, and PPG3 in terms of the lack of infrastructure to adequately deal with the development in this respect.

4.20 The foul water would connect into the existing sewage system on New Forge Court, with a private foul pumping station, as the levels on the site are lower than New Forge Court. The principle of this means of dealing with foul water is acceptable to Yorkshire Water, though details of the design of the pumping station and connection have not been submitted, and Yorkshire Water would wish to agree these as part of the detailed drainage design. This is a matter which could be dealt with through condition, in the event of an approval.

5.0 CONCLUSION

5.1 The development is considered acceptable in terms of the use of previously developed land for housing, open space and trees issues, density, visual and residential amenities, and highways considerations, with the amendments and further information which has been submitted with the application. However, it has not been demonstrated that the development can be satisfactorily surface water drained and would not result in further land drainage problems, and thus could exacerbate the likelihood of localised flooding.

5.2 A revised flood risk assessment report was submitted on 22 June, which concluded that the development satisfies the requirements of PPG25 'Development and Flood Risk' if its recommendations are adopted

Foss I.D.B. and the Council's drainage engineers have been consulted on this report, and both conclude that its recommendations do not satisfactorily resolve the problems of surface water drainage (rainwater drainage of roofs and other hard surfaces) or the land drainage problems on site (waterlogged gardens).
They conclude that;

Surface water is proposed to be discharged into Windmill Way culvert by a second dual storage and regulation system, which restrict the outfall to be no more than at present, but over a longer time period. This is acceptable in principle, but it is a complex system, which will have several private owners, and a dependable maintenance system should be in place before this method of surface water drainage should be accepted.

Retaining walls are shown within the garden areas to protect the proposed house from waterlogged garden land. However it is not shown how the gardens of existing houses in Old Coppice would be protected from flooding. There is no positive land drainage, and no outlet is shown. The gardens are known to drain badly, and they may be a drainage sump, with no known drainage outlet. The development proposals have not shown how this land drainage problem will be overcome.

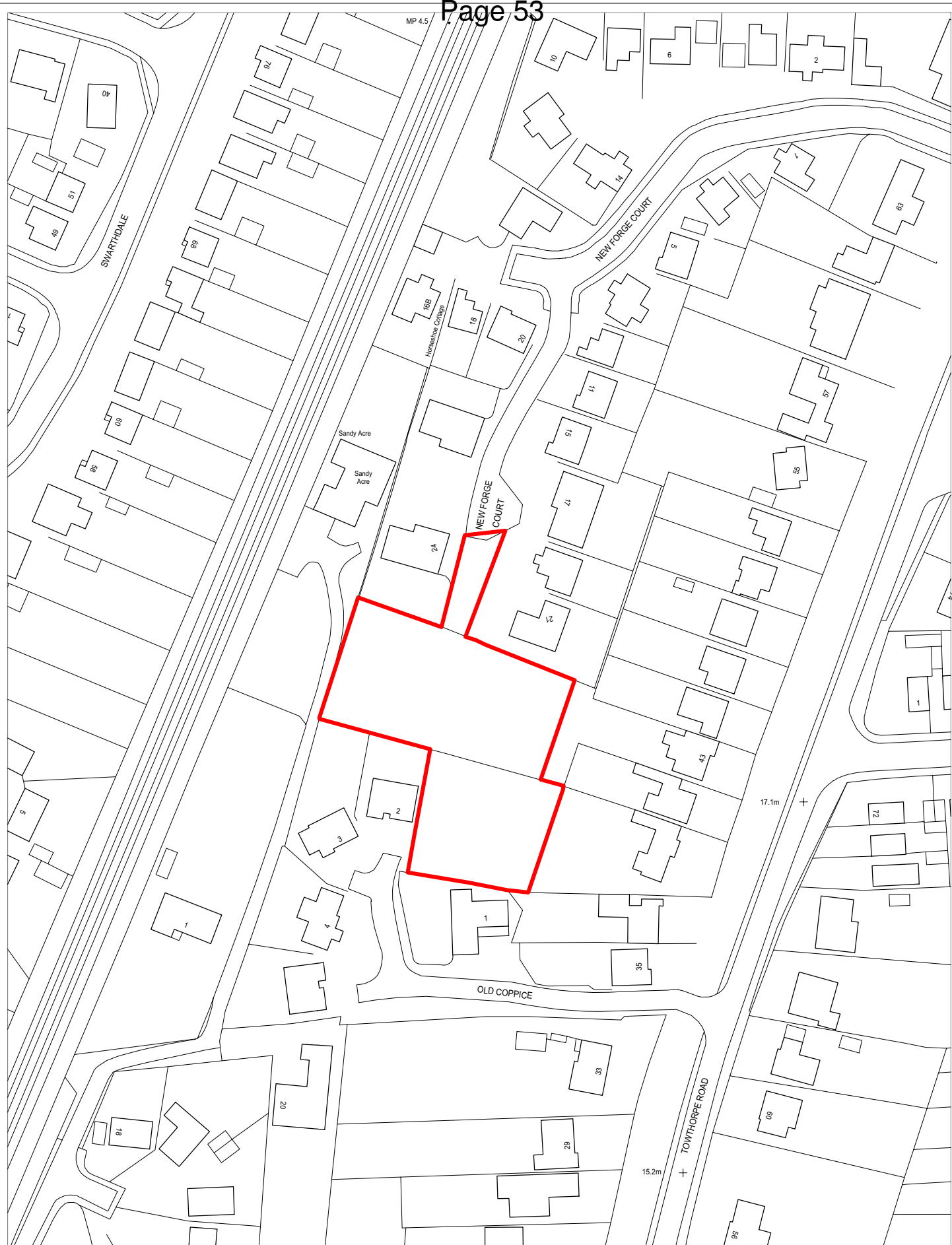
6.0 RECOMMENDATION: Refuse

- 1 It has not been demonstrated that development would adequately deal with issues of surface water and land drainage issues, based on the information submitted with the application. The site and its environs already suffer from the inadequate nature of surface water drainage area and problems with run off and waterlogging. The absence of a satisfactory means of proposed drainage with this development may exacerbate the likelihood of local flooding. The development is therefore considered to conflict with Central Government planning guidance in PPG3: Housing and PPG25: Development and Flood Risk, and Policy GP15a Development and Flood Risk of the City of York Draft Local Plan Incorporating the 4th set of changes (Approved April 2005).

7.0 INFORMATIVES:

Contact details:

Author: Darren Hendley Development Control Officer
Tel No: 01904 551477



CITY OF
YORK
COUNCIL

LAND TO REAR OF 37 - 43 TOWTHORPE ROAD, HAXBY
06/00583/FUL ITEM C

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 29/6/2006
Drawing No.



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City of York Council LA 1000 20818

COMMITTEE REPORT

Team: East Area
Date: 13 July 2006
Ward: Strensall
Parish: Stockton-on-the-Forest Parish Council

Reference: 06/01169/FUL
Application at: 45 Stone Riggs Stockton On The Forest York YO32 9UH
For: Conservatory to rear and porch to front elevation
By: Mr N Popplewell
Application Type: Full Application
Target Date: 19 July 2006

1.0 PROPOSAL

The application site is a semi-detached dwelling on Stone Riggs in Stockton on the Forest. The dwelling has previously been developed through a porch canopy, side garage and single storey rear extension. This application seeks permission to alter the front canopy to create an enclosed porch and to erect a conservatory at the rear of the dwelling.

This application was requested to be heard at Planning Committee by Cllr. Kirk. The request to call the application in was due to a number of concerns. These included:

- The plot would appear to be overdeveloped
- The proposed conservatory would be built over the mains sewer and water supply line

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYH7
Residential extensions

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - No objections

3.2 External

Stockton on the Forest Parish Council - No response received

Response to neighbour consultation letters - 1 piece of correspondence received from a resident of 46 Stone Riggs which is next door to the application site. The following points were raised:

- No objections to the front porch but it is somewhat large
- Opposed to the conservatory because when combined with the very large garage and extension which have already been constructed it is an overdevelopment of the site
- The conservatory if built would be over a sewer and water supply pipe, this was not permitted in the past

4.0 APPRAISAL

4.1 Key Issue(s): - Street Scene
- Neighbouring Amenity

4.2 The Application Site - 45 Stone Riggs is a semi-detached house in Stockton on the Forest. In 1986 planning permission was granted for a side garage and kitchen extension. In 1990 planning permission was granted for a lean to roof to form a covered area to the front elevation of the house. This application seeks permission to put a supporting pillar at both ends of the front canopy, brick under the existing bay window and to fill in a section of the canopy near the front door to create an enclosed porch. Also to be considered within this application is a proposed rear conservatory which measures approximately 3.5 x 3 m and 3.4 m in height to the ridge.

4.3 Draft Local Plan Policy CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Draft Local Plan Policy CYH7 states that planning permission will be granted for residential extensions where: (a) the design and materials are sympathetic to the main dwelling and the locality of the development; and (b) the design and scale are appropriate in relation to the main building; (d) there is no adverse effect on the amenity which neighbouring residents could reasonably expect to enjoy; and (e) proposals respect the spaces between dwellings; and (g) the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

4.5 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001 states that (1.21) A porch extension should be of a simple design and of a size which does not dominate the front elevation. The shape and materials should reflect the character of the main building, including the style of doors and windows. (1.22) Conservatories should be sited to the side and rear of dwellings. They should have pitched roofs where possible and should be constructed, as far as possible, from materials that match those used on the main house. Issues of privacy for neighbours and for users of the conservatory will be important and obscure glazing should be considered for windows that face neighbours property or gardens. Alternatively, solid sides to the conservatory can be used, or a permanent fence or wall constructed to the boundary.

4.6 Impact on the Street Scene - The canopy on the front elevation of the house has been in place for a number of years. It is considered that the proposed supporting pillars and brickwork under the bay window will have a small visual impact on the main house, as long as the brickwork matches that of the main house. The developments may give the dwelling a more cohesive feel. The new enclosed porch consists of two new front and side windows

and a door. The porch is small in scale and of simple design. It is considered that it will not significantly harm the character and appearance of the area or the dwelling itself. The proposed conservatory is at the rear of the dwelling and would not be highly visible from areas of public access.

4.7 Effect Upon Neighbouring Property - Due to the garage extension and shed currently on site the conservatory will not be prominent when viewed from 44 Stone Riggs. Given the scale of proposed development and the distance between numbers 44 and 45 Stone Riggs it is considered that the amenity of the neighbouring residents will not be significantly harmed. The dwelling which would be most likely to be affected by the conservatory is 46 Stone Riggs. The conservatory would be very close to the curtilage boundary with number 46. The outside wall of the conservatory is already in place and was erected under permitted development as it is under 2 m in height. Raised non-opening secondary windows would be above the blank wall and would provide the conservatory with light without significantly harming privacy for the residents of number 46. The conservatory would not appear overly large or overbearing and is unlikely to result in a significant reduction in natural light for 46 Stone Riggs given the modest height of the proposed conservatory and materials which would be used. It is considered that the proposed conservatory and porch would not harm the amenity which neighbours could reasonably expect to enjoy.

4.8 Concern has been raised that the conservatory, if approved, would be built on top of a sewer and water supply pipe. This issue has been raised with the applicants agent who was aware of the drains and has stated that the drains will be maintained and protected. This is not a planning issue and applications should not be refused on these grounds alone. The conservatory is exempt from building regulations as the floor area is no greater than 30 square metres and the roof and wall are glazed and separated from the house.

5.0 CONCLUSION

It is considered that the proposed alterations to the front elevation, including a porch, and the conservatory to the rear do not cause significant harm to the street scene or neighbouring amenity.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
 Drawing No. 2080-1
- 3 VISQ1 Matching materials
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), the windows in the north elevation of the conservatory shall at all times remain fixed.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

7.0 INFORMATIVES:

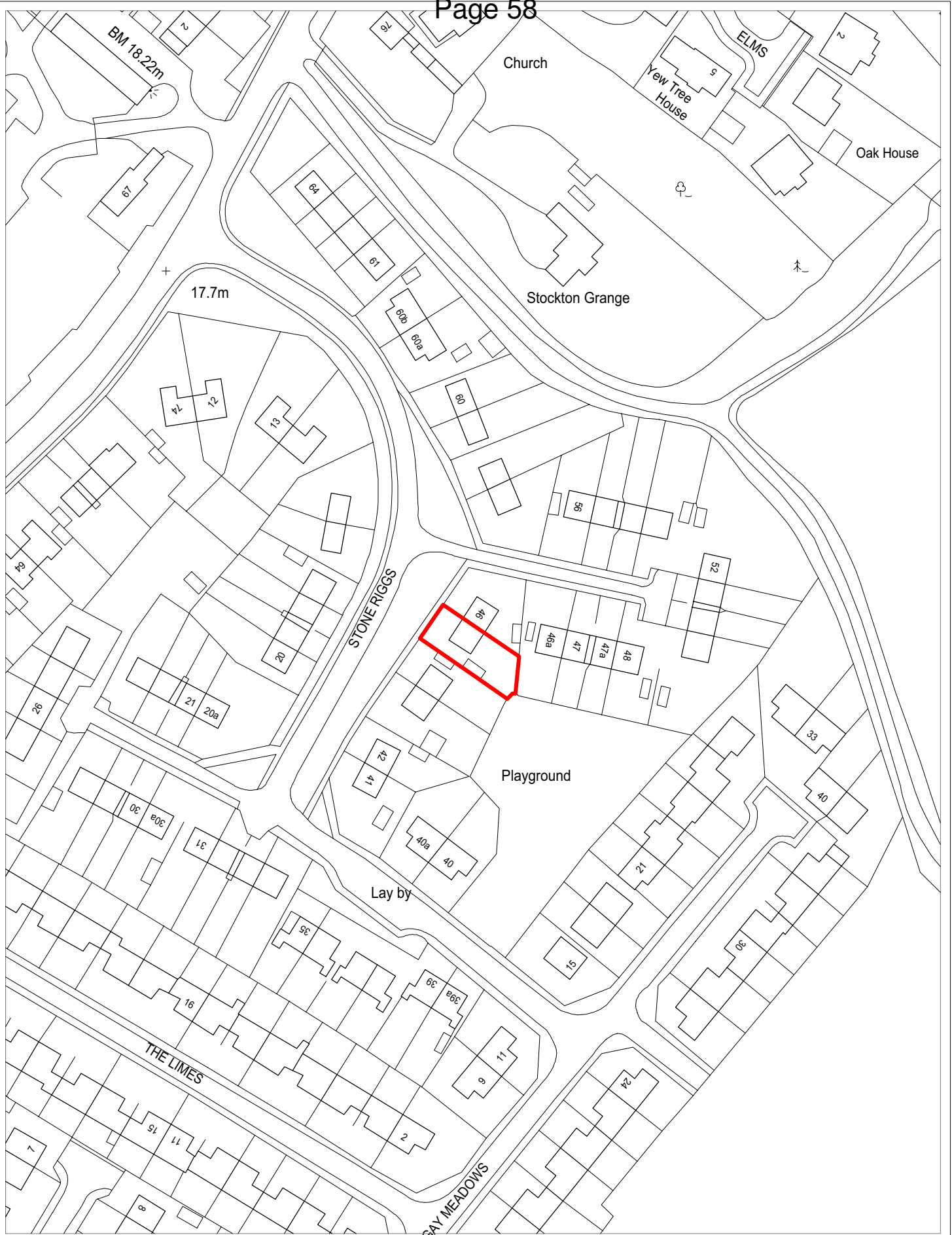
Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the amenity of neighbours. As such the proposal complies with Policies GP1 and H7 of the City of York Draft Local Plan.

Contact details:

Author: Michael Jones Development Control Officer
Tel No: 01904 551325



CITY OF
YORK
COUNCIL

45 STONE RIGGS, STOCKTON-ON-THE-FOREST
06/01169/FUL

SCALE 1:1250
Originating Group

DRAWN BY PSL
Project

DATE 29/6/2006
Drawing No.





Planning and Transport (East) Area Sub-Committee

13 July 2006

Report of the Director of City Strategy

Enforcement Cases - Update

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process. The statistics quoted in this report only reflect the historical figures for the last quarter due to the fact that the ward and committee boundaries altered recently.
3. Some of these cases have been brought forward as the result of information supplied by residents and local organisations, and therefore "The annexes to this report are marked as exempt under Paragraph 6 of Part 1 of Schedule 12A of the Local Government Act 1972, as this information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or direction under any enactment".
4. In order to give Members an up to date report, the schedules attached have been prepared on the very latest day that they could be to be included in this report on this agenda.
5. Section 106 Agreements are now being monitored by the Enforcement team. A system has been set –up to enable Officers to monitor payments and commitments required under the Agreement.

Current Position

6. Members should note that 84 new cases were received for this area within the last quarter. 78 cases were closed and 170 remain outstanding. There

are 44 Section 106 Agreement cases outstanding for this area after the closure of 5 for this quarter. No cases resulted in the service of formal enforcement notices. No cases have been referred to Legal and await service.

Consultation

7. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

8. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

Corporate Priorities

9. Improve the actual and perceived condition and appearance of city's streets, housing estates and publicly accessible spaces.

10. **Implications**

- **Financial** - *None*
- **Human Resources (HR)** - *None*
- **Equalities** - *None*
- **Legal** - *None*
- **Crime and Disorder** - *None*
- **Information Technology (IT)** - *None*
- **Property** - *None*
- **Other** - *None*

Risk Management

11. There are no known risks.

Recommendations

12. That Members contact the relevant Enforcement Officer to discuss any particular case detailed in the attached ongoing annex and also note the cases closed annex.

Reason: To update Members on the number of outstanding enforcement cases within the Sub-Committees area.

Contact Details

Author:

Author's name

Mandy Swithenbank/
Alan Kendall
Planning Enforcement Officer

Chief Officer Responsible for the report:

Chief Officer's name

Michael Slater
*Assistant Director (Planning and Sustainable
Development)*

Dept Name City Strategy
Tel No. 551376/551324

Report Approved

Date 04/07/06

Chief Officer's name
Title

Report Approved

Date *Insert Date*

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Name

Title

Tel No.

Implication ie Legal

Name

Title

Tel No.

Wards Affected: *All Wards*

All

For further information please contact the author of the report

Background Papers:

Environment and Development Services Business Plan (2000/2001).

Report to Area Sub-Committee in April 2006 – Enforcement Cases Update.

Annexes

Annex A - Enforcement Cases – Update (Confidential)

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted